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09/586,600	06/02/2000	Shuji Ono	3562-0101P	6151

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EXAMINER

WU, DOROTHY

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,600

Applicant(s)

ONO, SHUJI

Examiner

Dorothy Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 16-29 and 37-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-15 and 30-36 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-15 and 30-36, in Paper No. 6 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 recites the limitation "said first condition." There is insufficient antecedent basis for this limitation in the claim.

Dependent claim 8 is subsequently rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9, 11, 12, 30, 33, and 34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kawazoe, U.S. Patent 4,445,767.

Regarding claim 1, Kawazoe teaches a camera comprising: an image data input unit (taking lens 2) forming an image of a subject for photographing said subject (Fig. 1), a

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predetermined photographing condition (preset distance position/in-focus state), and a timing signal generator (focus control circuit 33) outputting a timing signal to capture an image when said subject satisfies said photographing condition (col. 6, lines 20-34). The condition storing unit storing the predetermined photographing condition is inherently taught.

Regarding claim 9, Kawazoe teaches an image-pickup control unit (transistor 38) controlling said input unit for photographing said image based on said timing signal (col. 6, lines 20-33).

Regarding claim 11, Kawazoe teaches a replaceable nonvolatile recording medium (film surface 7) (col. 1, line 35). Kawazoe teaches the recording of an image based on said timing signal (col. 1, lines 41-43).

Regarding claim 12, Kawazoe teaches an alarm (LED) outputting an alarm signal for notifying that said subject satisfies said photographing condition based on said timing signal (col. 5, lines 2-6).

Regarding claims 30, 33, and 34, because the apparatuses of claims 1, 9, and 11 are taught, the methods corresponding to the apparatuses are also taught.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Ikami et al, U.S. Patent 6,351,286.

Regarding claim 13, Ikami teaches a camera comprising: an image data input unit (CCD 6) forming an image of a subject for photographing said subject (col. 7, line 44); a condition storing unit (memory) storing a predetermined photographing condition (exposure time) related to a desirable subject (col. 8, line 63-66); and a timing signal generator (camera controlling circuit 12) outputting a timing signal (signal to close the shutter 9) when said subject satisfies said photographing condition (elapse of exposure time) (col. 8, line 66-col. 9, line 2). Ikami further teaches a plurality of photographing conditions (exposure times) and a condition-setting unit (CPU 30) previously selecting at least one of said photographing conditions, for photographing said image, from among said plurality of photographing conditions (col. 8, lines 63-66).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 4, 14, 15, 31, 32, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawazoe, U.S. Patent 4,445,767, in view of Yoshimura et al, U.S. Patent 5,619,264.

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Regarding claim 2, Kawazoe teaches the apparatus of claim 1. See above. Kawazoe teaches a predetermined photographing condition related to a desirable aimed object (moving object reaches a preset distance position to achieve an in-focus condition) and said timing signal generator outputs said timing signal when said aimed object satisfies said photographing condition (col. 2, lines 20-21). Kawazoe does not teach that the camera extracts data of the image. Yoshimura teaches an extractor (high pass filter 14) extracting data of an aimed object from the image of the subject (high frequency content related to the focus condition) based on an extracting condition (col. 1, lines 18-22, 30-41; col. 10, lines 56-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an electronic digital camera taught by Yoshimura in the apparatus of Kawazoe to make a digital camera that extracts high frequency data of an image to evaluate a predetermined photographing condition and that outputs a timing signal when said data satisfies said photographing condition. One of ordinary skill would have been motivated to make such a modification to achieve an in-focus condition in an electronic camera.

Regarding claim 3, Yoshimura teaches that data related to focusing is extracted, which reads on depth information indicating the distance to each part of said subject (col. 1, lines 18-22, 30-41; col. 10, lines 56-64).

Regarding claim 4, Kawazoe teaches the detection of data of a judgement location (data at preset distance position) from said data of said aimed object in said image, said photographing condition includes a predetermined photographing condition (in-focus condition) related to a desirable judgement location (preset distance position), said timing signal generator outputting said timing signal when said judgment location satisfies said photographing condition (col. 6,

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lines 20-23). Kawazoe does not teach a detecting condition different from said extracting condition. Yoshimura teaches the detection of data of said aimed object based on a detecting condition different from said extracting condition (speed at which object is moving) (col. 9, lines 20-25, 42-47; col. 10, lines 11-32, 43-55). It would have been obvious to one of ordinary skill to extract movement information as well as focus information so that the size of the distance measuring area is selected in accordance with to the object's amount of movement, thus making the in-focus measurement more accurate.

Regarding claim 14, Kawazoe in view of Yoshimura teach an input condition for inputting said image based on information of said judgement location (achieving an in-focus condition in accordance with how fast the object is moving at the preset distance position). See above. Kawazoe teaches that an image-forming control unit controls an input unit for forming said image of said subject based on said input condition (image captured once in-focus condition attained) (col. 6, lines 20-23).

Regarding claim 15, Yoshimura teaches that information of said judgment location (size of the distance measuring area) is used to process the high frequency components of the image (col. 9, lines 20-25, 42-47; col. 10, lines 11-32, 43-55). The image processing unit is inherently taught.

Regarding claims 31, 32, 35, and 36, because the apparatuses of claims 2, 4, 14, and 15 are taught, the methods corresponding to the apparatuses are also taught.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawazoe, U.S. Patent 4,445,767, in view of Uematsu, U.S. Patent 5,946,506.

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Regarding claim 10, Kawazoe teaches the apparatus of claim 1. See above Kawazoe does not teach an illuminator illuminating said subject based on said timing signal. Uematsu teaches that the flash unit 20 is flashed simultaneously with shutter release, which reads on an illuminator illuminating said subject based on said timing signal (col. 5, lines 44-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the flash unit of Uematsu in the apparatus of Kawazoe to make an apparatus that illuminates a subject during image capture. One of ordinary skill would have been motivated to make such a modification to assure that the image is adequately illuminated to obtain a high quality picture.

Allowable Subject Matter

7. Claims 5-7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach a camera comprising: an image data input unit forming an image of a subject for photographing said subject; an extractor extracting data of a plurality of said aimed objects from said image; a condition storing unit storing a predetermined photographing condition related to a desirable subject; and a timing signal generator outputting a timing signal when said plurality of aimed objects satisfy said photographing condition.

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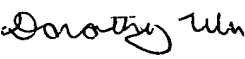
8. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DW
April 27, 2004


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